

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

ADVANCED MULTILEVEL CONCEPTS,
INC., ABLE DIRECT MARKETING INC.,
KEN NAIL, ESTHETICS WORLD, INC.,
INTERNATIONAL BUSINESS, INC., and
IRV PYUN,

Plaintiffs,

v.

EDWARD BUKSTEL, VITAMINSPICE,
INC., RICHARD F. SEELIG, AND DOES
1 through 30, inclusive,

Defendants.

Case No. 11-CV-3718

Honorable Michael M. Baylson

**MOTION TO EXTEND DATE BY
WHICH EDWARD BUKSTEL IS TO
FILE OPPOSITION AND/OR AMEND
COMPLAINT**

Defendant/Counter-Plaintiff EDWARD BUKSTEL (“Bukstel”) respectfully submit this Motion to Extend Date by Which Edward Bukstel is to File Opposition and/or Amend Complaint (the “Motion”). In support of the Motion, Bukstel states as follows:

1. On August 5, 2011, Jehu Hand and other alleged creditors filed an Involuntary Petition (“Petition”) against VitaminSpice, Inc. (“VitaminSpice”) in the United States Bankruptcy Court for the Eastern District of Pennsylvania (the “Bankruptcy Case”).

2. The Petition created an automatic stay of this civil action as to VitaminSpice.

3. On September 2, 2011, VitaminSpice filed a motion to dismiss or stay the Bankruptcy Case, and to lift the automatic stay pending adjudication of that motion. The notice sets that motion for a hearing on October 4, 2011.

4. In this case, the Court has set a briefing schedule in connection with a motion to dismiss filed by Counter-Defendants (Doc. No. 16.) That motion to dismiss, however, focuses on arguments that are properly addressed to, and responded by, VitaminSpice. For example, Counter-

Defendants assert arguments about: “what damage the Company suffered” (*id.* at p. 7), losses to “the Company” (*id.* at pp. 8, 14-16), “loss causation” in connection with VitaminSpice’s stock price (*id.* at p. 9), and “press releases issued by the Company” (*id.* at pp. 10-13).

5. Despite this focus on VitaminSpice’s “damage,” “loss,” and “press releases,” the automatic stay precludes VitaminSpice from filing its opposition to the motion. It makes sense, therefore, to extend the deadline for Bukstel to file his opposition, which will rely on VitaminSpice’s arguments and opposition, until the Court in the Bankruptcy Case has an opportunity to adjudicate VitaminSpice’s motion to lift the automatic stay.

6. Extending the deadline for Bukstel also would give Bukstel and VitaminSpice the opportunity to be able to file a consolidated opposition. Otherwise, Bukstel and VitaminSpice would need to file separate opposition briefs with overlapping and perhaps duplicative arguments.

7. Accordingly, it would be efficient and practical, from the perspective of judicial economy and case management, to extend the deadline for Bukstel to file his opposition to Counter-Defendants’ motion to dismiss or to amend the complaint.

WHEREFORE, for the reasons set forth above, Bukstel respectfully requests that the Court grant this Motion and extend the deadline for filing his opposition to Counter-Defendants’ motion to dismiss and/or filing an amended complaint.

Dated: September 2, 2011

Respectfully submitted,

/s/ Hillard Sterling
Hillard Sterling, Esquire
**LEWIS BRISBOIS BISGAARD &
SMITH LLP**
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Attorneys for Defendant Edward Buktsel

CERTIFICATE OF SERVICE

I, Alicia Huerta-Buglio, hereby certify that this 2nd day of September, 2011, the foregoing Motion to Extend Date by Which Edward Bukstel is to File Opposition to Motion to Dismiss and/or Amend Complaint was served via First Class Mail and filed electronically and is available for viewing and downloading from the Electronic Case Filing System. The following counsel received service by mail:

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/s/ Alicia Huerta-Buglio
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